

MEMO ENDORSED

PAWAR LAW GROUP P.C.

ATTORNEYS AT LAW

20 VESEY STREET SUITE 1410
NEW YORK NEW YORK 10007

Robert Blossner
Vik Pawar

TEL (212) 571 0805
FAX (212) 571 0938
www.pawarlaw.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/06/2023

July 6, 2023

BY ECF:

The Honorable Valerie E. Caproni
United States District Judge

Re: *U.S. v. Colon*, 18 CR 526 (VEC)

Dear Judge Caproni:

This matter is currently scheduled for a status conference to be held on July 20th before Your Honor.

I am respectfully writing in request of an adjournment until the first week of September. The government has consented to this request. Both parties have agreed to exclude time under the Speedy Trial Act.

When this matter was last on the Court accepted the notices of appearance of my associate Paul Lieber and myself. In anticipation of the Court granting us that permission, I had letter hand delivered to the defendant's prior counsel and requested the discovery material. It was never turned over. The United States Attorney assigned to this matter kindly prepared and turned over a second copy of the discovery material on June 26th. That material which Mr. Lieber and myself have been reviewing consists of well over 1000 pages including many transcripts of recorded conversations. Unfortunately, the conversations are in Spanish and neither Mr. Lieber nor myself speak Spanish. We are in the process of having those conversations translated and reduced to writing so that we may review them with our client. As of this writing, in an attempt to begin the process of reviewing the discovery material with Mr. Colon, we have visited him at MDC on several occasions including the last two Saturdays.

Prior to our entry into this matter the government did submit a plea offer to prior counsel. Either the defendant was not informed of this offer or he failed to understand that it was in fact offered. Mr. Lieber and myself have been able to review almost all of the discovery material except for the intercepted conversations which are being translated for us. Our examination leads us to believe that it would be in the defendant's best interest to accept the government's offer. However, as defense counsel we do not believe it would be proper for the defendant to make a decision as to the offer without having a working knowledge and understanding of what the discovery material contains and how the case against him would be proven by the government. It is not believed that we can accomplish what we are attempting to prior to the conference date of July 20th.

Unfortunately, Mr. Lieber and myself have had recent serious health issues. Within the last year Mr. Lieber has undergone several surgeries and chemotherapy due to findings of multiple carcinomas. On June 16th I underwent cardiac catheterization and am now the recipient of eight stents. I have been directed to attend cardio physical therapy three times a week for the next 12 weeks. Mr. Lieber who has made a remarkable recovery has scheduled travel to Israel in August for the purpose of visiting with his children and grandchildren whom he has not seen in two years.

For the above stated reasons, it is respectfully requested that this matter be adjourned for status conference during or after the first week of September 2023.

Respectfully,

/s

Bob Blossner (RB0526)

Cc: All counsel

Application GRANTED in part. Although the Court is sympathetic to counsel's health issues, counsel was aware of these issues when they decided to represent Mr. Colon, who has been in custody for over a year. Both Mr. Colon and the public are entitled to a speedy trial. Moreover, despite counsel's representations in this letter, Mr. Colon's previous counsel notified the Court that a plea agreement was reached in May of 2023, *see* Letter, Dkt. 389, and the Court has no basis to believe that Mr. Colon's previous counsel would have made this representation without having discussed the agreement fully with Mr. Colon.

The status conference scheduled for Thursday, July 20, 2023 at 11:00 A.M. is hereby adjourned until **Friday, August 4, 2023 at 2:30 P.M.** The Court will set a motion schedule and a trial date at the upcoming conference.

Time is excluded for the period between July 20, 2023, and August 4, 2023 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial given the need for Defendant further to familiarize himself with the discovery and pending plea offer in this case.

SO ORDERED.

 07/06/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE